IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 164 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26/10/2004 in WP No : 4491 OF 2003 on the file of the High Court.)

Between:

C.R.Srinivas, S/o.C.Ramaswamy
R/o.H.No.1-4-879/57, Sterling Heights
Flat No.301, SBI Officers Colony
New Bakaram, Hyderabad.

..... APPELLANT

AND

1. Osmania University, Hyderabad.
   Represented by its Registrar
2. Manpower Development College, West Marredpally, Secunderabad.

.....RESPONDENTS

Counsel for the Appellant: MR.K.RAMAKANTH REDDY

Counsel for the Respondent No.1: MR.DEEPAK BHATTACHARJEE

The Court at the admission stage made the following:

ORAL ORDER: (per the Hon'ble the Chief Justice)

Writ petitioner is the appellant. Feeling aggrieved by the order passed by the learned single Judge disposing of the writ petition, this appeal has been filed.

The petitioner-appellant joined the M.C.A course in the 2nd respondent College during the academic year 1995-96 and completed the three years course, but could not get his degree since he had three backlog papers yet to be cleared. Thereafter, he filed the writ petition since he was not permitted to appear for the backlog examinations. The backlog papers are in 3rd year First semester, 1st year 1 semester and 1st year II semester subjects. By an interim order passed during the pendency of the writ petition, the petitioner was permitted to write the examinations in the three papers commencing from 17.3.2003 and the interim order continued during the pendency of the writ petition. While the writ petition was pending, on 17.2.2004, a communication was addressed to all the Principals of the Colleges by the respondent University giving some benefit to those candidates who had completed the course of study in double the duration but still had some back log papers by the end of 2003. The petitioner also sought for similar benefit. Learned single Judge taking note of this fact also granted the same benefit to the petitioner. The M.C.A examinations commenced from 15.3.2003 and the petitioner-appellant was permitted to appear for the backlog papers. Therefore, the writ petition was allowed to the extent of directing the respondents to declare the petitioner's results after getting the papers duly valued by making it clear that no further chance to complete the backlog papers will be provided in case the petitioner would fail in any of the papers.

Learned counsel for the petitioner submits that the interim order was passed by this Court only on 13.3.2003 and the examinations commenced from 15.3.2003. There was hardly any time to prepare for the examinations and the petitioner-appellant was not able to clear the papers and therefore he has submitted a representation on 3.2.2003 and 19.1.2001 which had not been decided by the University. There is no further representation submitted by the petitioner-appellant. Learned counsel for the appellant submits that at least the respondent University ought to have decided the representations.

As a matter of fact, we do not find any ground to interfere in this appeal filed by the appellant. However, we leave it open to the University to take appropriate decision in accordance with law on the two representations aforementioned and communicate the same to the appellant within two months. In case the decision in

the representation will go against the appellant, the same will not confer any right on the appellant to take up the issue again.

The appeal is accordingly dismissed.

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DEVINDER GUPTA, CJ

Dated 01..03..2005

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B.SESHASAYANA REDDY,J

msv

TO

1. The Registrar, Osmania University, Hyderabad.
2. Manpower Development College, West Marredpally, Secunderabad.

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